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09/441,388	11/16/1999	MATTHEW ACKLEY	2043.162US1	4261
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 121 S. 8TH STREET SUITE 1600 MINNEAPOLIS, MN 55402			ROSWELL, MICHAEL	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/441,388
Filing Date: November 16, 1999
Appellant(s): ACKLEY ET AL.

Mark R. Vatuone
Reg. No. 53,719
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11 January 2006 appealing from the Office action mailed 10 August 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 7 November 2005 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6119152

Carlin et al

11-1998

Mockapetris, P. "Domain Names - Concepts and Facilities (RFC 1034)". Networking Group. November 1987. <http://rfc.sunsite.dk/rfc/rfc1034.html>, pp. 1-55

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-29, 31-35, 38-40, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,152 (Carlin et al) and "Domain Names - Concepts and Facilities" (RFC 1034).

Referring to claims 27 and 38, Carlin discloses in column 2: lines 10-38 a multi-provider online sales system, wherein a plurality of service providers are each allocated a subset of subscriber features and a customized user interface. Figures 3a-3j illustrate the user interface provided by the multi-provider online sales system, which allows each service provider to build a customized sales interface. In column 5: lines 16-42, Carlin further discloses that each subscriber of a service provider sees the associated online service as independent even though the server providing the interface is maintained by the multi-provider online sales system. In column 1: lines 19-27, Carlin explains that online services can operate over a TCP/IP network. This embodiment would further require that each sales interface and the host computer be located at a unique network address. Carlin fails to specifically disclose, though, that the sales interfaces operate at different domains. However, one of ordinary skill in the art would have been motivated to map each interface to a different domain because of Carlin's suggestion in column 8: lines 54-56, which says that it should appear to the subscriber that he or she is connected to an online service that is administered by that service provider. One method for providing such an appearance is through the use of subdomains. RFC 1034, published by the Network Working Group in 1987, describes how the domain hierarchy works on page 8:

A domain is identified by a domain name, and consists of that part of the domain name space that is at or below the domain name which specifies the domain. A domain is a subdomain of another domain if it is contained within that domain. This relationship can be tested by seeing if the subdomain's name ends with the containing domain's name. For example, A.B.C.D is a subdomain of B.C.D, C.D, D, and “ ”.

Each service provider in Carlin's invention can thus be a subdomain of the domain operated by the multi-provider online sales system. If, for example, the primary domain

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was multi-provider.com, a plurality of service providers could be mapped to provider1.multi-provider.com, provider2.multi-provider.com, and so on. The service providers' interfaces can then be operated by a single sever while creating the impression that they are operated by unique domains. Subdomains, however, need not necessarily be operated by a single server. After all, yahoo.com and google.com are both subdomains of the .com domain, but are operated by different servers. Accordingly, each service provider can have its own subdomain that is operated by a unique server. For example, site1.provider1.multi-provider.com and site2.provider1.multi-provider.com can be operated by a server that is separate from the one that operates provider1.multi-provider.com and provider2.multi-provider.com. Links can then be created from pages on one server to pages on another server wherein both sets of pages are mapped to the same parent domain. The examiner thus submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hierarchy of domains and subdomains as taught by RFC 1034 in combination with the teachings of Carlin so as to anticipate the claimed invention. As suggested by Carlin, such a combination would have been advantageous because it would allow the multi-provider online sales system to maintain the impression that each sales interface is operated by its respective service provider and not by a single common entity.

Referring to claims 28 and 39, the teachings of RFC 1034 are all associated with the Domain Name System (DNS). The mapping of different sites is thus performed via DNS mapping.

Referring to claims 29 and 40, Carlin discloses in Table 1 a plurality of services that can be offered via the customized user interfaces, and are inherently presented on different pages linked by the menu structure illustrated in Figure 3j.

Referring to claims 31, 32, 42, and 43, Carlin and RFC 1034 fail to explicitly disclose that the first sales interface includes elements that are also included in the first set of pages and that the second sales interface includes elements that are also included in the second set of pages. However, the examiner submits that it is notoriously well known in the state of the art that pages mapped to the same domain commonly reuse graphical interface elements such as headers, banners, menus, links, and backgrounds so as to maintain a common look and feel when navigating amongst pages. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include common interface elements among the first and second sales interfaces and their respective sets of pages in order for the multi-provider online sales system to maintain the impression that each sales interface and its associated pages is operated by its respective service provider.

Referring to claims 33 and 44, Carlin and RFC 1034 fail to explicitly disclose that sales interfaces include interface elements comprising at least part of their respective domain names. However, the examiner submits that it is notoriously well known in the state of the art that parts of the domain names are typically indicative of the respective service provider's name (e.g. Amazon.com), and are thus very commonly included in sales interfaces. The examiner takes OFFICIAL NOTICE of this teaching.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include part of the domain name in a user interface as a mechanism for associating the domain name with the name of the service provider. Such an association makes it easier for users to remember a network address and navigate to a service provider's sales interface.

Referring to claims 34 and 45, Carlin explains in column 2: lines 10-20 that the invention is a multi-provider on line service allowing a plurality of service providers to uniquely configure the appearance of their respective user interfaces. Each of these service providers can inherently belong to different legal entities.

Referring to claims 35 and 46, as discussed above, Carlin and RFC 1034 disclose a host server and a plurality of sales interfaces that provide the impression that they are being operated by different entities. In Figures 3a-3j, Carlin illustrates a customization interface responsive to user input to define the sales interfaces. As mentioned above, Carlin explains in column 8: lines 54-56, that from the subscriber's standpoint, it should appear that he/she is connected to an online service which is administered by that service provider. Additionally, Carlin explains in column 4: lines 37-51 that service providers can upload data for access solely to its own subscribers. Therefore, it is implied that the customization interface is operative to provide different headers for each sales interface.

(10) Response to Argument

Applicant argues at page 10 of the brief that Carlin does not describe a first sales interface at a first network address, a second sales interface at a second network

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address, and a sales server at a third network address. The examiner respectfully disagrees. Fig. 1 of Carlin shows a plurality of subscriber terminals **14**. As is well known in the art, each device or terminal connected to a network such as that shown in Fig. 1 must have its own unique network address, in order to facilitate the passage of data between devices. Thus, the host computer **12** which communicates service data and inherently service interface data to the subscriber terminals must also have its own unique network address. See Carlin, col. 1, lines 14-35. The cited passage of Carlin relating to TCP/IP network communication serves to underscore this fact of unique network addressing, as is well known in the art.

Applicant further argues on page 11 of the brief that Carlin is silent with regard to the functions performed by the respective computers in the network, and cannot be said to teach a first sales interface at a first network address, and a second sales interface at a second network address, a sales server at a third network address, the sales server at the third network address operating the first and second sales interfaces. The examiner respectfully disagrees. Carlin teaches at col. 1, lines 26-30 typical features which would be made available to subscribers through the host computer **12**. Of these, Carlin lists "on-line purchasing", which is equivalent to applicant's claimed sales network. As noted above, as the host computer is providing the sales service data to the subscriber terminals, it must also inherently provide the first and second sales interfaces to the subscribers, thus "operating" the first and second sales interfaces.

(11) Related Proceeding(s) Appendix

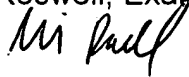
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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Roswell, Examiner



Conferees:

Tadesse Hailu, Examiner



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